
(1999) 02 AHC CK 0135
In the Allahabad High Court
Case No : C.M.W.P. No. 8314 of 1999

Union of India, Central Excise and Customs, New Delhi and another APPELLANT

Vs

Ist Addl. District Judge, Badaun and others RESPONDENT

Date of Decision : 23-02-1999

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 2(1), 21(1), 21(8)

Citation : (1999) 2 AWC 1450

Hon'ble Judges : Yatindra Singh, J

Bench : Single Bench

Advocate : Uma Kant and Addl. S.C, for the Appellant;

Final Decision : Allowed

Judgement

Yatindra Singh, J.—Union of India is a tenant of the premises in dispute, it has filed the present writ petition against the impugned order dated 31.1.1997 and 8.12.1998 in proceeding u/s 21 (8) of the U. P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act. 1972 (the Act for short).

FACTS :

2. The Union Government Central Excise and Customs, New Delhi is the tenant of the premises in dispute. The rate of the tenancy was Rs. 1.500 per month, initially landlord filed an application u/s 21 (1) (a) of the Act for ejectment of the tenant on the ground of the personal need. This application was ultimately dismissed on 30.4.1998 on the ground that no application could be filed against Central Government u/s 21 (1) (a) of the Act. It was during this case that present application u/s 21 (8) of the Act was filed. This application was allowed on 31.1.1997 enhancing rent from Rs. 1,500 per month to Rs. 21,000 per month. The Central Government filed an appeal against this order. This was partly allowed on 8.12.1998. The rent was fixed at Rs. 19.500 per month. It is against this order that the present writ petition has been filed.

POINT FOR DETERMINATION

3. I have heard the learned counsel for the parties. Following points are for consideration :

Whether any proceeding for enhancement of rent can be taken u/s 21 (8) of the Act in respect of building which is under the tenancy of the Central Government?

FINDING

4. Section 21 (8) envisages proceeding for enhancement of rent in building where the State Government, Public Sector Corporation or recognised educational institution is a tenant. The Central Government is not mentioned therein. No proceeding for enhancement of rent can be taken against the Central Government u/s 21 (8) of the Act. The entire proceedings of the Court below are illegal. The judgments enhancing the rent are also without jurisdiction and are hereby set aside.

AN OBSERVATION

5. The Courts below in enhancing the rent took Into account the decision given by the Prescribed Authority on 30th April, 1998 holding that no application against Central Government is maintainable u/s 21 (1) (a) of the Act. They, to some extent, were influenced by it. The counsel for respondents states that an appeal is pending against that order. I do not wish to say anything except that the prescribed authority in that case had taken that view on the basis of a judgment of the Apex Court. That judgment was concerned with Section 2 (a) of the Act as it stood at that time. Since then. Section 2 (a) has been amended.

The decision of the Apex Court may not apply.

CONCLUSION

6. The writ petition is allowed. The Impugned orders dated 31.1.1997 and 8.12.1997 are quashed.